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**MAR 17 2005**

Attorney Docket No. 03/006 MFE  
Customer No. 38263

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Klein *et al.*

Group Art Unit: 1773

Application No.: 10/760,986

Examiner: V. Chen

Filed: January 20, 2004

Confirmation No.: 3486

For: POLYESTER FILM HAVING IMPROVED OXYGEN  
BARRIER, COMPRISING POLY(M-XYLENEADIPAMIDE)  
AND ALSO AN OVERLAYER AND A BARRIER COATING,  
PROCESS FOR ITS PRODUCTION AND ITS USE

**AMENDMENT**

Commissioner for Patents  
Alexandria, VA 22313-1450

Charlotte, North Carolina  
March 15, 2005

Dear Madam:

In response to the non-final Office Action dated December 17, 2004, kindly consider the following amendments and remarks. In addition, Applicants submit herewith a terminal disclaimer to be charged to Deposit Account 50-2193.

**Amendments to the Claims** are reflected in the listing of claims which begins on Page 2 of this paper.

**Remarks** begin on Page 5 of this paper.

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**ProPat, L.L.C.**

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<b>To:</b>	USPTO Examiner Vivian Chen Art Unit 1773	<b>From:</b>	Claire Wygand for Cathy R. Moore Phone: (704) 365-4881 Fax: (704) 365-4851
<b>Fax:</b>	(703) 872-9306	<b>Pages:</b>	16 pages total Transmittal facsimile cover sheet (1 page) Fee Sheet (1 page) Terminal Disclaimer (1 page) Amendment (13 pages)
<b>Phone:</b>		<b>Date:</b>	March 17, 2005
<b>Re:</b>	Application No. 10/760,986 Filed January 20, 2004 Our Ref.: 03/008MFE Response to Office Action dated 12/17/04	<b>CC:</b>	

Dear Examiner Chen,

Attached are the documents as indicated above.

Respectfully submitted,

*Claire Wygand*

Claire Wygand

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**130.00****Complete If Known**

Application Number	10/760,986
Filing Date	Jan. 20, 2004
First Named Inventor	Oliver KLEIN
Examiner Name	Vivian Chen
Art Unit	1773
Attorney Docket No.	03/008MFE

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	50-2193
Deposit Account Name	ProPat, LLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 630	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 8	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$)</b>

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,620	1812 2,620	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 680	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) <b>TERMINAL DISCLAIMER</b>			<b>130.00</b>
*Reduced by Basic Filing Fee Paid			<b>SUBTOTAL (3) (\$)</b>

**SUBTOTAL (3) (\$)** 130.00**SUBMITTED BY**

Name (Print/Type) Cathy R. Moore

Signature

Cathy Moore

Registration No.

(Attorney/Agent)

45,784

(Complete if applicable)

Telephone 704 365-4881

Date

March 17, 2005

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.